

## REMARKS/ARGUMENTS

This Amendment has been prepared and is filed in response to the Non-Final Office Action of January 28, 2008 regarding the above-identified U.S. Patent Application.

In that Action, the Examiner rejected claims 1-4, inclusive, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,049,390 to Notredame *et al.* in combination with U.S. Patent No. 5,021,892 to Kita *et al.*

Applicants (a) have carefully reviewed the Examiner's comments, along with the two cited and applied prior art patents, (b) categorically disagree that any proper combination of these two references supports a conclusion of obviousness of applicants' claims as filed, but (c), notwithstanding this disagreement, introduce certain conceptual clarification language changes in each of the four claims in this application, by way of current amendments in those claims, to point out with even greater specificity, the features of applicants invention which distinguish it so clearly from the Examiner's proposed combination of references. In relation to these current amendments in the claims, applicants have placed on page 2 in the specification a statement regarding the methodology of the invention in specific language which provides antecedent language support to the claim amendments.

No new matter is involved with any changes made herein in the claims or the specification.

As the Examiner surely recognizes from his review of applicants' specification, claims and drawings in this case, applicants' invention is focused upon preserving, i.e., fully stabilizing, the size of a printed image in relation to the associated source image from which the

printed image has ultimately been created. Very specifically, applicants have recognized that such a stabilization and size preservation must be performed in terms of maintaining the exactness of two components, or constituents, of a source image in relation to its size, namely, the dots-per-inch resolution component of the source image, and the total number-of-bits-present component of the source image. An important point to note in this regard is simply that an action alone of preserving the dots-per-inch resolution component of a source image is not, in accordance with the practice of applicants' invention, sufficient to assure maintenance and stability, i.e., size exactness, of a printed image in relation to its underlying, parental, source-image size.

Applicants' methodology, and applicants' associated apparatus which performs this methodology, accomplish this important task of image-size-stabilization by creating what applicants refer to as a data-content flag, i.e., a file possessing data content which specifies both of these important numeric aspects (components) of a relevant source image, namely, that source image's dots-per-inch component, and its bit-number component. This numeric information is communicated en route from a source image to a printer in such a fashion that, at an appropriate location in that flow of information, and prior to printing of a printed image, the information contained regarding these two source-image characteristics in the data-content flag file are noted and taken fully into account to control the image size of a printed image, and this is done in such a fashion that the printed image will have exactly the same size as the source image, as determined by both of these characteristics -- dots-per-inch and number of bits.

Nothing like this takes place in conjunction with the operations of either of the two cited and applied references, and certainly does not take place with respect to any proposed

combination of these references, regardless of whether or not such a combination is otherwise appropriate under the rules relating to the combining of references for the purpose of analyzing obviousness of a claimed invention.

While applicants appreciate the thoughtfulness given by the Examiner to consideration of the disclosure contents of the two cited and applied references, the Examiner has taken quite unsupportable liberties with respect to his characterizations of the contents of these references in his path to reaching a conclusion, and to making an assertion, that applicants' claims are made obvious by the Examiner's proposed combination of these references.

The Examiner's flight into error begins with his characterization of the content of the Notredame *et al.* as being a reference that teaches the construction of a data-content flag such as that specifically called for in applicants' claims. No such flag exists in any form in the content of this reference.

The comments made by the Examiner with reference to column 5, lines 29-30, and column 11, lines 26-33 in Notredame *et al.* regarding the supposed creation of a data-content flag like that called for by applicants is based solely upon the fleeting reference in column 11, lines 31 and 32 that a so-called "CT validity mask is a binary mask at CT resolution that *flags* (emphasis added) which CT pixels contain valid data." Notwithstanding the use of the term "flags" in this quoted text, such use is truly an *other-meaning* use. There is absolutely nothing in the Notredame *et al.* reference that describes the creation of a *data-content flag* containing precise numeric information regarding source image size characteristics consisting of dots-per-inch information, and bit-number information.

This fleeting text-reference which uses the word “flags” is rather a reference which describes the operational utility of a so-called CT validity mask which is described in Notredame *et al.*, which mask is illustrated in Fig. 9(c), and further discussed at a later point in the text of column 11 in the reference. More specifically, what can clearly be seen by looking at Fig. 9(c), and by reading the text description of this figure, is that the Notredame *et al.* CT validity mask effectively takes the form, not of a file containing numeric data relative to the size of a source image, but rather of a bit-map-like structure which describes something, such as the capital letter T, in terms of a block arrangement of pixels.

Nothing at all in the Notredame *et al.* reference addresses any concern regarding the issue of maintaining an overall printed image size so as to be assuredly the same as a relevant, parental, source-image size from which such a printed image is later created. Certainly, and as has just been pointed out, there is nothing in the reference which involves, in any manner of thinking, the creation of data-content flag like that called for in, and central to, the practice and construction of applicants’ invention.

Given this significant deficiency in the content of the Notredame *et al.* reference with respect to its relevance to applicants’ claims, the Examiner’s position that the secondary reference Kita *et al.* discloses “using the information contained in ...(such a flag)...to control printed image size....” is simply not sustainable.

There is simply nothing at all in the Kita *et al.* reference which describes any thinking about the maintenance of the size of a source image with respect to how that source image becomes printed later in a printed image. Even more specifically, there is nothing present in

Kita *et al.* which suggests any awareness that size stability control regarding the size of a printed image in relation to its parental source image should be based upon two numeric characteristics of the source image, namely, the source image dots-per-inches characteristic, and the numeric bit-count number characteristic.

With respect to these important source-image characteristics which are not collectively recognized or dealt with in the cited and applied prior art, and in relation to the mention made in Notredame *et al.* simply (and in another context) to dots-per-inch resolution, applicants emphasize herein that paying attention simply to a dots-per-inch resolution characteristic alone is not a sufficient to furnish printed-image-size stability control in terms of the practice and structure of applicants' invention. As the Examiner surely recognizes, two very differently sized images, in terms of their boundary sizes, may have either completely identical, or completely different, dots-per-inch resolutions. Moreover, two exactly same-size images may have entirely different dots-per-inch resolution characteristics. Not until both of the numeric characteristics which are taken into account by applicants are fully considered can printed-image size stability take place in accordance with applicants' invention.

Returning specifically to Kita *et al.*, what this patent is concerned with, at least insofar as that portion of the content of it is presented by the Examiner in support of his obviousness position, is the managing of the printed outputting of a page of information in a manner which takes into account *page printing on different sizes of sheets of paper*. The very areas of Kita *et al.* disclosure to which the Examiner points in his Office Action relate specifically to therein-presented, illustrative practices involving three different conventional paper sizes -- A4,

A5 and B5. With regard to how something, such as a source image, ultimately becomes printed on an output page of paper characterized by any one of such different sizes, there is no consideration given to controlling printed image size so that it is exactly the same as source image size. In fact, the practice of Kita *et al.* is one wherein, almost assuredly, a printed image physical size will differ in substantially all instances in relation to its associated source image size. No linkage whatsoever is created in the teachings or suggestions of the Kita *et al.* reference between dots-per-inch information and bit-number information -- the information which applicants point out as being important in the controlling of printed-image from source-image size stability.

Accordingly, it is applicants' position that the Examiner's rejection of their claims on the basis of obviousness is not sustainable. For this reason, all claims now presented in this application, on the basis of entry of the present Amendment, which claims have been modified modestly in order to clarify the specific numeric characteristics of an image which must be taken into account in order control image stability, are patentable in view of the cited and applied references. Thus, favorable reconsideration of this application, and allowance now of all claims therein, are respectfully solicited.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections state in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

**Provisional Request for Extension of time in Which to Respond**

Should this response be deemed to be untimely, Applicants hereby request an



extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

55428

Respectfully Submitted,

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I hereby certify that the attached Response to Office Action under 37 C.F.R. § 1.111 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 22313-1450

Robert D. Varitz